

WILLIAM W. MANLOVE, Oregon State Bar ID Number 891607
Senior Deputy City Attorney
Email: william.manlove@portlandoregon.gov
Office of City Attorney
1221 SW 4th Avenue, Rm 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**THOMAS GLENN and PATSY
McKINNEY,**

11-CV-402-KI

PLAINTIFFS,

v.

**CITY OF PORTLAND, a public body,
DEFENDANT.**

**DECLARATION OF PETER F.
SANDROCK (IN SUPPORT OF
DEFENDANT'S RESPONSE TO
MEMORANDUM OF LAW IN
SUPPORT OF PLAINTIFFS' MOTION
FOR PARTIAL SUMMARY
JUDGMENT)**

I, PETER F. SANDROCK, declare as follows:

1. I am a former Assistant Director to the City of Portland's Independent Police Review Division ("IPR"), which is part of the City's Office of City Auditor. Prior to retiring on January 4, 2012, I had worked as one of two Assistant Directors of IPR since January 2004.

2. I am familiar with a document entitled "Open and Closed Cases Associated with a Specific Allegation between January 1, 2004 to December 31, 2008." I have recently reviewed this document. ("Open and Closed Cases Document")

3. IPR receives 400-700 complaints per year. In recent years, the number of complaints has been closer to 400. All complaints are recorded, numbered, tracked and assigned.

4. Each complaint may contain several allegations. Allegations are derived almost exclusively from what a complaining community member tells IPR's investigators. The allegations are included in the complaint even though a complainant's own description of what happened may make clear that no violation of law or City policy occurred.

5. Complaints are resolved in a variety of ways. The Open and Closed Cases Document that I refer to in paragraph 2 above notes several of these ways under the heading of "Finding." For example, looking at the complaints listed on pages 12-16 of the Open and Closed Cases Document, "IPR Dec" means that one of the Assistant Directors or Directors of IPR made an initial case handling decision to decline forwarding the complaint for further investigation. This decision may be because it may be clear that based on the complainant's description of what happened, that no misconduct occurred, or the complainant may not have returned phone calls allowing for necessary follow-up inquiry. "IPR Dec—Other Judicial Review" means that one of the Assistant Directors or Director declined to forward the complaint for further investigation because the complainant's allegation will be the subject of judicial review.

6. As part of a case handling decision, an Assistant Director or Director of IPR may forward the complaint to the Police Bureau's Internal Affairs Division ("IAD") for further review or investigation. These investigations by IAD also result in various "Findings." For example, looking at the complaints listed on pages 12-16 of the Open and Closed Cases Document in paragraph 2 above, "IAD Dec" means that IAD declined to conduct a formal administrative investigation of an IPR-referred complaint for the reason stated. For example, "IAD Dec—No Misconduct" means that IAD managers concluded that based on the complainant's description, the officer did not violate Bureau policy. "Unfounded" means that after IAD conducted a formal administrative investigation, the officer's reporting unit manager (e.g., a Precinct Commander) made a finding that the officer did not do what the complainant claimed. "Exonerated" means that after IAD conducted a formal administrative investigation, the officer's reporting unit manager made a finding that the officer's actions complied with Bureau

policy. “Insufficient Evidence” means that after IAD conducted a formal administrative investigation, the officer’s reporting unit manager made a finding that misconduct was not proven by a preponderance of the evidence. “Unproven” is newer terminology for “Insufficient Evidence.” “Service Improvement Opp” means that a complaint alleging a minor rule violation was referred to the officer’s reporting unit manager for a documented but non-disciplinary briefing of the officer by a supervisor. The initials “RD” (rapid dismissal) means the complaint was closed by an IPR investigator following an intake investigation, typically because the officer’s actions as described by the complainant did not violate Bureau policy.

7. I have recently reviewed a transcript of my deposition taken in this case. In my deposition I testified that I believe there had been three to five complaints in the preceding several years prior to 2009 having to do with the City’s police officers’ use of the community caretaking basis to enter a residence. There is nothing about the information contained in the Open and Closed Cases Document in paragraph 2 above that causes me to change my deposition testimony.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

DATED: January 9, 2012.

/s/ Peter F. Sandrock
PETER F. SANDROCK